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(2)

No. 09-722

In The

Supreme Court of the United States

HAROLD GREEN,

Petitioner,

v.

CLEARY WATER, SEWER AND FIRE DISTRICT,

Respondent.

On Petition For Writ Of Certiorari To The Mississippi Supreme Court

PETITION FOR REHEARING

HAROLD GREEN
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PETITION FOR REHEARING

We respectfully ask this court for a rehearing because of the constitutional issues involved that this court only, has Authority.

REASONS FOR GRANTING REHEARING

I. A constituted issue concerning the Mississippi Courts and Public Service Commission denying the Petitioner equal protection of the law

We have petitioned eight years for a hearing on the method in which Cleary obtained a Supplemental CCN Certificate from the Public Service Commission, without success.

The Courts of Mississippi have refused to accept our documented evidence as proof of wrong doing by Cleary and the P.S.C. (Exhibit-3)

As documented evidence of the statement made above we present the following. In the Supreme Court mandate (app. 17, item 24) in part, quote "The allegations against Cleary are of no event." (Exhibit-5)

We have not received equal protection of the laws. (14th Amendment) (Exhibit-2)

II. A constituted issue concerning the "Decentralized Wastewater Use Ordinance "of" Cleary Water, Sewer and Fire District. The Taking Clause

Cleary's "Decentralized Wastewater Use Ordinance" contains the "Taking Clause" for new installations. (5th Amendment) (Exhibit-1) Thereby taking our Grandchildren's property. (Exhibit-6)

The Constitution of the State of Mississippi also has a similar "Taking Clause". (Article 3 Section 17) (Exhibit-3)

(SC) indicates the Supreme Court of Mississippi

(HG) indicates Harold Green

From the Supreme Court of Mississippi of the mandate issued app. 17, item 24, there are several points we would like to clarify. (Exhibit-5)

(SC) "Green's central complaint is that Cleary pulled a "bait and switch" on him and the other petitioners, by claiming it would construct a sewer system for the area, while having no intent to do so."

(HG) The complaint was and is that false statements were made by CWSFD to obtain the Supplemental CCN Certificate they hold. The application is as follows, "Application of Cleary Water, Sewer and Fire District, to enlarge its certificated area for sewer service to make said area identical to its certificated area for water and fire protection." (Exhibit-7) This area to be identical with has a centralized sewage

disposal plant constructed in 1980 for the private community of Cleary Heights. Item 8 of application states "The Cleary Water, Sewer and Fire District is agreeable to operating a water, sewer and fire utility system to serve the residents of the entire area, upon approval and authorization from the Commission." Item 5 of application states "The financial reports of Cleary are on file with the Commission. The expansion of the sewer service area will not jeopardize the financial well being of Cleary" (Exhibit-16). The Statute of Definition is (49-17-5) 1C "Sewerage System" means "pipelines or conduits, pumping stations and force mains, and other structures, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal." (Exhibit-8)

(SC) "Cleary's manager said in a newspaper article as early as 2002, that the decentralized sewer system" "was not something we did overnight. This was two or three years in the making." "Cleary's manager also said that a centralized system would cost approximately $17,000 per home." (Exhibit-10)

(HG) CWSFD knew one year (1999) before applying for a certificate they could not and were not going to construct a sewage treatment plant so as to furnish sewer service to the residents of this new area. (Exhibit-11)

(HG) On September 18, 2000, the CWSFD received this order from the Public Service Commission "order granting Supplemental Certificate of public

convenience and necessity." This order states no less than five times "authorizing it to construct, operate and maintain a sewer system" and four times to "furnish sewer service." (Exhibit-9)

(SC) "The allegations against Cleary are of no event, for even if the chancellor had granted them credence, they do not alter the fact that the appeal was untimely filed."

(HG) The word "allegation" is "a statement offered without proof." The word "event" is "especially one of some significance." The word "credence" is "acceptance as true or valid."

When we make a statement we try to place proof where it can be found, sometimes it's only a quote, at others the whole document. Case in point, the above items. The word "event" has a great deal of significance to us. The word "credence" is a person's integrity which also means a great deal to us. If we interpret the Justice correctly, he is stating we are making up stories that have no meaning and are lies.

(HG) "They do not alter the fact that the appeal was untimely filed" about four years late. In Cleary's application (Exhibit-7), we the "water only customers," were not listed as "Interested Persons" (Exhibit-4) as required by (Rule 2 K) and (appendix "A" – Schedule 2, item 13) (Exhibit-12-13). Therefore, denied our "civil rights" guaranteed in the (14th Amendment) (Exhibit-2) as equal protection of the Laws. Cleary made a decision that we were not eligible to be listed as Interested Persons thereby

preventing us from being a participant in the certificate proceedings, when in fact we met the requirements because the entire certificate process involves each one of us "Personally" and "Property" our "Finances" and the "Taking Clause" of the 5th Amendment.

The problem in this case began with Cleary's application that we have written briefly elsewhere in this brief. We would like to consider the impact on our lives by Cleary's decision not to list its Water Only Customers as Interested Persons. The Laws governing Certificate proceedings are known as "Public Utilities Rules of Practice and Procedure" dated February 15, 1994. The administrator being the Mississippi Public Service Commission.

The Rules most important to our case are (Rules 2, 3, 7, 11 and appendix "A" Schedule 2) because they are used to determine who is eligible to be called, "Interested Persons." Rules 2 K-3 quote "In proceedings filed by non-utilities or proceedings initiated by the Commission, the Commission Staff or the MPUS, any person having a substantial interest in the subject matter of the proceeding or whose rights and liabilities may be materially affected thereby."

We meet those requirements because Cleary states in their application they will construct, operate and maintain a sewerage treatment and disposal plant so as to furnish sewer service to the water only customers. Shortly before petitioning for a certificate, Cleary passed a "Sanitary Sewer Use Ordinance"

requiring property owners to connect to this proposed new sewer system as soon as available. This would cost at minimum $5,000 to each property owner. (Exhibit-14)

Appendix "A" Schedule 2, item 13, requirements are quote "an exhibit listing the names and addresses of all interested persons as defined in Rule 2K of the Commission's Rules of Practice and Procedure together with a certificate that the filing utility has served a notice of the filing upon each." We have also met these requirements to be listed as interested persons. However, Cleary decided we were not eligible and did not list the Water Only Customers as such so Cleary did not inform us of their application for a Certificate as required by (item 13) and (Rule 2 K3). By not being listed as interested persons, we were denied our civil rights to participate in the Certificate proceedings. Furthermore, Justice Randolph stated on app. 15, item 21 quote "Further, as Green was not a party to the grant of the supplemental CCN, he may not appeal from that decision." He also stated on app. 17 item 24 quote "the appeal was untimely filed." Cleary, the P.S.C. and the Chancery Court all agree we have no standing. Cleary did file a timely notice in the Jackson Clarion-Ledger newspaper on June 21, 2000. We have a copy of this but not one from Rankin County News. We did not see either of these notices or any others. Some may have but we have not spoken to any.

We were denied access to this proceeding first by Cleary not listing us as Interested Persons and next

by the P.S.C. for not enforcing the Public Utilities Rules of Practice and Procedure, it certainly would have been in the public interest. The first time we knew anything was amiss, was the letter from Cleary dated Sept. 14, 2001. (Exhibit-15).

What a surprise and after reading, shock, to learn Cleary applied for and received a Certificate to construct, operate and maintain a sewerage treatment plant so as to furnish sewer service to us. The shock quickly turned to anger as we read that a Decentralized Wastewater Use Ordinance had been passed and put into effect without any of the recipients being aware. This is unbelievable but true.

After 10 years we still find it hard to believe anyone could or would destroy what has taken 234 years and millions of lives to build.

The previous briefs and this one are Pro Se. Not because of some misguided thought of a high intellect, which was dispensed with in early childhood, but because of the financial burden. We did seek legal help from Mississippi Center for Legal Services Corporation but were informed their office was unable to assist us. Though uneducated, especially in law, we do believe in our Constitutional form of government and strive for its continuation and to honor those who have given their all for that cause.

CONCLUSION

In the Supreme Court of Mississippi, mandate app. 17 stating "The allegations against Cleary are of no event" and that we "made statements against Cleary without proof" is arbitrary. That we were not listed as Interested Persons, as required by law, is an indisputable fact. (Exhibit-12 – Rule 2 K3 – Our Q2) (Exhibit-13 – Appendix "A" Schedule 2, Our – Q14). It is incomprehensible that anyone would make such a statement when in fact the entire certificate process from application to the Decentralized Wastewater Use Ordinance affects the Water Only Customers of Cleary. It affects our right to be present at the Certificate hearing. We are liable for all things concerning our property both materially and monetarily. Some of our rights are, (1) first we were not listed as Interested Persons. (2) We were denied the right to participate in the certificate proceedings. (3) By not being a participant in the Supplemental CCN, we cannot appeal from that decision, (app. 15 item 21). (4) Because of the above items, the 30 day time limit to file expired.

Cleary's stated goal, verified by the Decentralized Wastewater Use Ordinance is to take ownership of our individual onsite wastewater disposal system. They have made a modification to the existing units temporarily. In new installations, Cleary installs the unit, the new owner pays at least $5,000, Cleary takes ownership then charges the owner a monthly fee to use. (Exhibit-6 – Our – E3-6) (Exhibit-1, Taking Clause.) This is a mad tyrannical rush to take over

our property and ultimately every "Individual Onsite Wastewater Disposal System" in Mississippi. Destroying the most important truth, the Constitution, that guarantees Life, Liberty and the pursuit of happiness knowing their house or property cannot be taken except for Public use and then not without just compensation.

Not only does Cleary's Decentralized Wastewater Use Ordinance take our property, they charge a fee to use it. Unbelieveable. For the above and other reasons that can be brought to light from a Writ of Certiorari, we humbly ask this Court to grant a rehearing, for you are the last hope we have of any future freedom.

Respectfully submitted,

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CERTIFICATION

The foregoing petition for rehearing is presented in good faith and not for purpose of delay. This petition for rehearing is restricted to the grounds set out in Rule 44.2.

HAROLD L. GREEN
Pro Se

EXHIBIT 1

U.S. Constitution

Bill of Rights

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

EXHIBIT 2

U.S. Constitution

Amendment XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, *being twenty-one years of age*, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

EXHIBIT 3

CONSTITUTION OF THE STATE OF MISSISSIPPI

(Adopted Nov. 1, A.D., 1890)

PREAMBLE

We, the people of Mississippi in convention assembled, grateful to Almighty God, and invoking his blessing on our work, do ordain and establish this Constitution.

ARTICLE 3
BILL OF RIGHTS

[NOTE: There is no sections 1-4 of article 3]

Sec. 5. All political power invested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 6. The people of this state have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they deem it necessary to their safety and happiness; Provided, such change be not repugnant to the constitution of the United States.

Sec. 7. The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed by this state, nor shall any law be passed in derogation of the paramount

allegiance of the citizens of this state to the government of the United States.

Sec. 8. All persons resident in this state, citizens of the United States, are hereby declared citizens of the state of Mississippi.

Sec. 9. The military shall be in strict subordination to the civil power.

Sec. 10. Treason against the state shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 11. The right of the people peaceably to assemble and petition the government on any subject shall never be impaired.

Sec. 12. The right of every citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.

Sec. 13. The freedom of speech and of the press shall be held sacred; and in all prosecutions for libel the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 14. No person shall be deprived of life, liberty, or property except by due process of law.

Sec. 15. There shall be neither slavery nor involuntary servitude in this state, otherwise than as punishment for crime, whereof the party shall have been duly convicted.

Sec. 16. Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed.

Sec. 17. Private property shall not be taken or damaged for public use, except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public.

Sec. 18. No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the state, or to exclude the Holy Bible from use in any public school of this state.

Sec. 19. Human life shall not be imperiled by the practice of dueling; and any citizen of this state who

shall hereafter fight a duel, or assist in the same as second, or send, accept, or knowingly carry a challenge therefor, whether such an act be done in the state, or out of it, or who shall go out of the state to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office under this Constitution, and shall be disfranchised.

Sec. 20. No person shall be elected or appointed to office in this state for life or during good behavior, but the term of all officers shall be for some specified period.

Sec. 21. The privilege of the writ of habeas corpus shall not be suspended, unless when in the case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

Sec. 22. No person's life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

Sec. 23. The people shall be secure in their persons, houses, and possessions from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.

Sec. 24. All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law,

and right and justice shall be administered without sale, denial, or delay.

Sec. 25. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in the state, by him or herself, or counsel, or both.

Sec. 26. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial.

Sec. 27. No person shall for any indictable offense, be proceeding against criminally by information, except in cases arising in the land or naval forces, or the military when in actual service, or by leave of the court for misdemeanor in office; but the legislature, in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justices of the peace, or such other inferior court or

courts as may be established, and the proceedings in such cases shall be regulated by law.

Sec. 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines imposed.

Sec. 29. Excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

Sec. 30. There shall be no imprisonment for debt.

Sec. 31. The right of trial by jury shall remain inviolate, but the legislature may, by enactment, provide that in all civil suits tried in the circuit and chancery court, nine or more jurors may agree on the verdict and return it as the verdict of the jury.

Sec. 32. The enumeration of rights in this constitution shall not be construed to deny and impair others retained by, and inherent in, the people.

EXHIBIT 4

Certificate Of Interested Parties

City of Richland, Mississippi
371 Scarbrough Street
Richland, Mississippi 39218

Attention: Mayor

City of Florence, Mississippi
201 North Church Street
Florence, Mississippi 39073

Attention: Mayor

Southwest Rankin Water Association, Inc.
201 South County Line Road
Florence, Mississippi 39073

Attention: President

EXHIBIT 5

* * *

no one expressed opposition. ***Green I***, 910 So. 2d at 1025.

¶ 24. Green's central complaint is that Cleary pulled a "bait and switch" on him and the other petitioners, by claiming it would construct a sewer system for the area, while having no intent to do so. Cleary's manager said in a newspaper article as early as 2002 that the decentralized sewer system was "not something we did overnight. This was two or three years in the making." Cleary's manager also said that a centralized system would cost approximately $17,000 per home. The allegations against Cleary are of no event, for, even if the chancellor had granted them credence, they do not alter the fact that the appeal was untimely filed.

B. The Denial of Leave to end and the Dismissal of the Complaint in 2005.

¶ 25. Following the same analysis, the chancellor found that the chancery court was without jurisdiction to hear an appeal of the denial of Green's motion to amend. The thirty-day appeal deadline applies to any "final finding, order or judgment of the commission. . . ." Miss. Code Ann. § 77-3-67(1) (Rev. 2001). The Commission issued its "Order Denying Motion" on February 23, 2005. Green did not appeal until April 21, 2005. Thus, if the statute applies to the February order, the chancellor was correct. However,

in ***Mississippi Power Company v. Mississippi Public Service Commission***, 240 Miss. 621, 128

EXHIBIT 6

* * *

Ordinance.

SECTION 4. Any existing system that will require a complete upgrade or change of the system will must meet all provisions of Article III "New Installations".

SECTION 5. Any system that can not be repaired or replaced, to fully approvable standards, shall be improved with recommendations from the Department of Health so as to treat the wastewater as best as possible, reduce the volume of treated effluent as much as possible, and maintain the treated effluent on the property of the generator to the greatest extent possible.

SECTION 6. All existing individual onsite wastewater disposal systems at the time of property transfer will be required to be certified and ownership of the system will be transferred to the District with the property owner becoming a customer of the Decentralized Wastewater System and the District will perpetually maintain the system.

ARTICLE III
NEW INSTALLATIONS

SECTION 1. *All new individual onsite installation shall conform to all requirements of*

the current Decentralized Wastewater Ordinances and the Regulation Governing Individual Onsite Wastewater Disposal.

SECTION 2. *All new installations of IOWDS shall require the property owner* or his/her representative to provide the District two platted surveys of the site which will include all above and below ground buildings, electrical lines (buried), water lines, gas lines and aperture. The Platt will be certified by a engineer or land surveyor licensed to do business in Mississippi. The Platt will include dimensions of building(s) and approximate location of all below ground installations, A copy of the Platt will be attached to the District's soil analysis form that will be presented to the State Board of Health for the inspection of the site. The form will be filled out by the owner or his/her authorized representative to include all appropriate information. A copy of the Platt must be attached to the District's soil/site evaluation form. This form, along with the Platt, will be presented to the Department of Health for the inspection of the site. The Department of Health will inspect the site and give to the owner the completed form which the owner will return to the District. *The District's engineer and/or manager will determine the appropriate IOWDS to be*

installed at the site. Upon Department of Health inspection and final approval of the installed system the District will assume ownership and perpetual maintenance of the system, with the owner becoming a customer of the District. The property owner will provide a right-of-way and easement to the District that will cover all egress and aggress for properly identified employees to maintain the system. To allow for proper maintenance of the system, nothing shall be built over or laid over any electrical or water conveyances to the unit or the system itself so as to obstruct maintenance of the system.

SECTION 3. Onsite systems incorporating a septic tank as part of the installation shall be equipped with risers at or near the surface at the inlet and outlet of the tank to facilitate inspection and pumping without removal of the top of the tank. In addition all septic tanks will incorporate an in-tank effluent filter. Outlet man way and riser shall be sized large enough to facilitate the removal of the filter for routine inspection and/or maintenance.

SECTION 4. All septic tanks, pump chambers, chlorine contact chambers and distribution boxes shall be constructed and properly sealed so as to prevent infiltration and exfiltration of liquid.

ARTICLE IV
COST AND FEES

SECTION 1. *All cost incurred by the District including the final inspection of the IOWDS will be borne by the owner. After final inspection and acceptance by the District, the District will assume all cost of maintenance of the IOWDS. Final payment for the system purchased by the District will be due and payable upon final inspection by the Department of Health.*

SECTION 2. If the District assumes ownership of a previously installed IOWDS, all cost incurred for its inspection, will be borne by the District. If the District does not assume ownership of the IOWDS then the owner will bear the cost of the inspection. The owner will bear/pay all cost incurred to bring a previously installed IOWDS up to the applicable standard necessary for the District to assume ownership.

SECTION 3. *All monthly fees and charges will be set by the District's Board of Commissioners and will be reviewed annually at the November public meeting. Monthly fees will based upon water consumption through the household's potable water meter.*

* * *

EXHIBIT 7

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSISSIPPI

NO. '00-UA-491 **IN RE:**

APPLICATION OF CLEARY WATER, SEWER AND FIRE DISTRICT, TO ENLARGE ITS CERTIFICATED AREA FOR SEWER SERVICE TO MAKE SAID AREA IDENTICAL TO ITS CERTIFICATED AREA FOR WATER AND FIRE PROTECTION

(Filed Jun. 13, 2000)

Cleary Water, Sewer and Fire District, files this Application as follows:

1. Cleary Water, Sewer and Fire District ("Cleary") is an incorporated district created pursuant to Sections 19-5-151 through 19-5-207 of the Mississippi Code of 1972, as amended.

2. Cleary holds a Certificate of Convenience and Necessity in Docket Number WD 100-0436-00. The area certificated for Cleary to provide water service and fire protection is not identical to the area certified for Cleary to provide sewer service.

3. *Cleary now desires that the area certificated for it to provide sewer service be* ***identical*** *to the area certified for water service and fire protection*. Attached here to as Exhibit "A" is a true and correct copy of the

legal description for the Water Service Area. There is pending with the Commission a request that the Water, Fire and Sewer Service areas be extended to include the property described below which is being transferred, subject to Commission approval, to Cleary from the Southwest Rankin Water Association, Inc.:

> All of the Northwest Quarter of Section 21, Township 4 North, Range 1 East, Rankin County, Mississippi, all of the Northeast Quarter of Section 21, Township 4 North, Range 1 East, Rankin County, Mississippi, all of the Southeast Quarter of Section 21, Township 4 North, Range 1 East, Rankin County, Mississippi and all of the East Half of the East Half of the Southwest Quarter of Section 21, Township 4 North, Range 1 East, Rankin County, Mississippi and All of the portion of the North Half of the Northeast Quarter of Section 28, Township 4 North, Range 1 East, Rankin County, Mississippi, lying North of the Byram-Florence Road as said road exist this date, containing 528 acres more or less and all being located in Section 21 and Section 28, Township 4 North, Range 1 East, Rankin County, Mississippi.

4. Petitioner would further show that the following persons are the duly appointed officials of the Cleary Water, Sewer and Fire District:

Commissioners Harold Winborne, Buddy Eady, Bob Whatley, Bill Harvey and Chairman Ken Johnson.

5. The financial reports of Cleary are on file with the Commission. The expansion of the sewer service area will not jeopardize the financial well being of Cleary.

6. A copy of the Charter or articles for each of these entities are on file with the Commission. No party to this transaction is a foreign corporation. No acquisition adjustment or rate base or expenses is sought. These parties do not own any other Mississippi Utility operations. *Attached hereto as Exhibit "B" is a list of the names and addresses of all* ***interested persons*** *as defined by* ***Rule 2K*** *of the Commission's Rules.*

7. The testimony to be relied upon at the hearing is attached hereto as Exhibit "C."

8. The Cleary Water, Sewer and Fire District is agreeable to operating a water, sewer and fire utility system to serve the residents of the entire area, upon approval and authorization from the Commission.

9. *The operation by Cleary of a* ***sewer system*** *as soon as* ***economically feasible*** *is in the public interest, and the expansion should be authorized and approved by the Commission.*

10. The Petitioners further pray that the Commission waive the formalities of other documents not attached hereto as same are either already on file or not relevant to this proceeding.

WHEREFORE, Petitioners pray that the area certificated for water, sewer and fire protection to

Cleary Water, Sewer and Fire District encompass and include the area described in Exhibit "A" and in paragraph no. 3 above which is being transferred from Southwest Rankin's Certificate of Public Convenience and Necessity granted in Docket Number UA-100-0531-00 (Utility ID No. U-2106) more particularly described in said Certificate.

WITNESS OUR SIGNATURES, this 13 day of June, 2000.

RESPECTFULLY SUBMITTED,

Cleary Water, Sewer and Fire District

By: /s/ Ken Johnson
Ken Johnson, Chairman

WITNESSED:

/s/ Ken Munn

Prepared by:

/s/ James A. Bobo
James A. Bobo
Mississippi Bar No. 3604
James A. Bobo, PA
Post Office Box 54193
Pearl, Mississippi 39288
(601) 933-1997

Attorney For Cleary Water,
Sewer and Fire District

EXHIBIT 8

Source:

Mississippi Code/TITLE 49 CONVERSATION AND ECOLOGY/CHAPTER 17 POLLUTION OF WATERS, STREAMS, AND AIR/IN GENERAL/§ 49-17-5. Definitions.

§ 49-17-5. Definitions.

For the purposes of Sections 4917-1 through 49-17-41 the following words and phrases shall have the meanings ascribed to them in this section:

(1) Water.

(a) "Pollution" means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance or leak into any waters of the state unless in compliance with a valid permit issued therefor by the Permit Board.

(b) "Wastes" means sewage, industrial wastes, oil field wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state.

(c) "Sewerage system" means pipelines or conduits, pumping stations, and force mains, and other structures, devices, appurtenances and facilities used for

collecting or conducting wastes to an ultimate point for treatment or disposal.

(d) "Treatment works" means any plant or other works, used for the purpose of treating, stabilizing or holding wastes.

(e) "Disposal system" means a system for disposing of wastes, either by surface or underground methods, and includes sewerage systems, treatment works, disposal wells and other systems.

(f) "Waters of the state" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the state, and such coastal waters as are within the jurisdiction of the state, except lakes, ponds or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C. 1251 et seq).

(g) "Underground water" means an underground source of drinking water as defined within the regulations of the Federal Safe Drinking Water Act.

(2) Air.

(a) "Air contaminant" means particulate matter, dust, fumes, gas, mist, smoke or vapor, or any combination thereof, produced by processes other than natural.

(b) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristic, and of a duration which are materially injurious or can be reasonably expected to become materially injurious to human, plant or animal life or to property, or which unreasonably interfere with enjoyment of life or use of property throughout the state or throughout such area of the state as shall be affected thereby.

(c) "Air contamination" means the presence in the outdoor atmosphere of one or more air contaminants which contribute to a condition of air pollution.

(d) "Air contamination source" means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant, regardless of who the person may be who owns or operates the building, premises or other property in, at, or on which such source is located, or the facility, equipment or other property by which the emission is caused or from which the emission comes.

(e) "Air-cleaning device" means any method, process or equipment, the primary function of which is to remove, reduce or render less noxious air contaminants discharged into the atmosphere.

(f) "Area of the state" means any city or county or portion thereof, or other substantial geographical area of the state as may be designated by the Mississippi Commission on Environmental Quality.

(g) "Federal Clean Air Act" means the Federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended.

(3) General.

(a) "Commission" means the Mississippi Commission on Environmental Quality acting through the Office of Pollution Control of the Department of Environmental Quality.

(b) "Person" means the state or other agency or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation, or the United States or any officer or employee thereof.

(c) "Pollution Emergency Fund" means the fund established under Section 49-17-68.

(d) "General permit" means a permit for categories of sources that involve similar wastes and have similar monitoring requirements and restrictions.

EXHIBIT 9

BEFORE THE PUBLIC SERVICE COMMISSION
OF
THE STATE OF MISSISSIPPI

2000-UA-491

CLEARY WATER, SEWER & FIRE DISTRICT

SD-100-0436-01

IN RE: APPLICATION OF CLEARY WATER, SEWER AND FIRE DISTRICT, TO ENLARGE ITS CERTIFICATED AREA FOR SEWER SERVICE TO MAKE SAID AREA IDENTICAL TO ITS CERTIFICATED AREA FOR WATER AND FIRE PROTECTION. [9-18-2000]

ORDER GRANTING SUPPLEMENTAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

This day this cause came on to be heard upon the duly verified Petition of Cleary Water, Sewer & Fire District (the "District"), a utility district created pursuant to Sections 19-5-151 through 19-5-207 of the Mississippi Code of 1972, as amended, *requesting a Supplemental Certificate of Public Convenience and Necessity authorizing it to* ***construct, operate and maintain a sewer system*** *in specified areas adjacent to its present certificated area in Rankin County, Mississippi, hereinafter particularly described.*

The Public Service Commission, being fully apprised in the premises and having considered the documents and record before it, and upon recommendation of the Public Utilities Staff, finds as follows:

(1) Cleary is a utility district created pursuant to Sections 19-5-151 through 19-5-207 of the Mississippi Code of 1972, as amended, and is engaged in providing *sewer service* in a certain area in Rankin County, Mississippi, and the Public Service Commission has full jurisdiction of the applicant and the subject matter.

(2) Due and proper notice of the pendency of this cause has been given in the mariner and for the time required by law. No protest or objection has been filed in this proceeding.

(3) Cleary was granted an initial Certificate of Public Convenience and Necessity *to construct, operate and maintain a sewer system within the area* designated in said certificate in Docket No. U-3953. Cleary has applied for a Supplemental Certificate of Public Convenience and Necessity to *furnish sewer service* to the hereinafter described area.

(4) The public convenience and necessity justifies and requires the grant of this Supplemental Certificate of Public Convenience and Necessity for the additional area.

(5) The hereinafter described area is not within the corporate boundaries of a municipality.

(6) *Cleary is ready, willing and able to construct, operate and maintain a sewer system so as to render sewer service to the public for compensation in the additional area proposed to be served.*

IT IS, THEREFORE, ORDERED that:

(1) *The request of Cleary Water, Sewer & Fire District for a Supplemental Certificate of Public Convenience and Necessity to serve an additional area, is hereby granted and approved so as to authorize and permit it to construct, operate and maintain a sewer system in the additional area hereinafter described.*

(2) The public convenience and necessity requires the grant of this Supplemental Certificate.

(3) *Cleary is hereby granted a Supplemental Certificate of Public Convenience and Necessity pursuant to Section 77-3-1, et seq., of the Miss. Code of 1972, as amended, to construct, operate and maintain a sewer system, so as to furnish sewer service to the public for compensation in a specified area in Rankin County, Mississippi, the description of which is attached hereto and incorporated herein by reference as Exhibit "A".*

(4) Cleary will serve, without exception, all persons requesting service in the herein described certificated area at the currently approved rates.

(5) *Construction on the proposed sewer system shall be commenced within six (6) months from the effective date of this Order or this Certificate* ***may*** *be canceled.*

(6) Nothing in this Order shall affect the right of any other sewer Utility to continue rendering service to any customer that it was legally serving upon the effective date of this Order.

(7) Notwithstanding anything to the contrary contained herein, developers of new subdivisions in the supplemental certificated area, who have received notification prior to the date of this order from the State Health Department that the subdivision/lots proposed by the developer are generally suitable for onsite wastewater disposal systems, shall not be required to connect to the Cleary Water, Sewer and Fire District sewer system.

(8) This Order shall be in effect from and after the date of issuance.

Chairman Nielsen Cochran, Vice-Chairman Michael Callahan and Commissioner Bo Robinson voted Aye.

ORDERED this the 18th day of September, 2000.

MISSISSIPPI PUBLIC
SERVICE COMMISSION

[SEAL]

/s/ Nielsen Cochran
Nielsen Cochran, Chairman

/s/ Michael Callahan
Michael Callahan,
Vice-Chairman

/s/ Bo Robinson
Bo Robinson, Commissioner

ATTEST: A True Copy

/s/ Brian U. Ray
Brian U. Ray
Executive Secretary

EXHIBIT 10

Cleary residents fight wastewater ordinance

By Tom Hill

FLORENCE – Some of Cleary Water, Sewer and Fire District's Water customers have filed a lawsuit against the CWSFD in an effort to stop the District from fully enforcing its new wastewater ordinance on Sept. 14, as scheduled.

The suit was filed in Rankin County Chancery Court on behalf of the complainants by Florence attorney David Ringer. In the suit, the group contends the CWSFD is seeking to exceed its authority by [illegible] its customers on septic tanks or sanitation systems to have annual inspections to show their units are functioning properly and by making those customers whose units are not functioning properly install new ones, then sign ownership of them over to CWSFD for it to maintain for a charge of $15 a month.

The plaintiffs are asking the Court to prohibit the CWSFD from taking any action until such time that it makes a centralized sewer collection available to all its water customers.

The lawsuit stems from an ordinance that the CWSFD board adopted in June, 2001. That ordinance created a decentralized wastewater system and set the time frame for implementing it.

CWSFD manager Kenn Munn said the District has around 700 water customers. He said the residences of about 450 of those customers are connected by sewerage lines to the District's centralized wastewater system which is similar to the systems in Florence or Richland. He said the other 250 water customers who have onsite wastewater treatment systems (septic tanks or sanitation systems) at their residences were made part of the decentralized wastewater system.

According to Munn, on June 21, 2001, the 250 water customers whose homes are served by onsite wastewater treatment were grandfathered into the decentralized system. He said those people were given until Sept. 14, 2002 to have their onsite units inspected. He said if the units passed, the home owners can continue to maintain their own units. He said they would only have to get annual inspections done to show that their systems are functioning properly. He said over half of the people affected by the new ordinance have complied with the inspection requirement.

Munn said if a unit fail inspection, the home owner must get a new unit put in that meets the CWSFD's standards. He said those home owners would be made sewer customers of the CWSFD. He said the CWSFD then would take ownership of the onsite wastewater treatment unit and maintain it. He said the customers would be charged $15 a month for the service.

All onsite wastewater treatment units that have been installed since the ordinance was adopted in June, 2001 have had to meet CWSFD standards and the owners were made sewer customers.

There are about 120 individuals listed as plaintiffs in the lawsuit against CWSFD. Those people represent about 80 different homesites. Munn said he saw the list of names and about half of them had complied with the new ordinance. He said every person who has been to his office to discuss the matter left satisfied that the new system was a positive one.

Munn said the CWSFD board was addressing two problems when it adopted the ordinance creating the decentralized wastewater system. He said there are some onsite wastewater treatment units in the Cleary District that are not working properly. He said as a result, there are places where raw sewage runs out on the ground. He said the new ordinance would eliminate that problem.

Munn said there also are a number of new subdivisions going up in the area served by the CWSFD. He said the new ordinance water treatment units are being put in.

Munn said it is not financially feasible for the CWSFD to run sewerage lines to every home in the District so that everyone would be connected to the centralized wastewater system.

"This is not the 1980s," he said. "The days when unlimited funds were available for grants are over.

The EPA (Environmental Protection Agency) did a study and estimated that it would cost $17,000 a home to connect everyone to a centralized system. Do you think homeowners are going to pay for that?"

"The decentralized wastewater system is the most economical way to protect the environment and make sure the sewage systems are working properly. This is not something we did overnight. This was two or three years in the making. We had Department of Environmental Quality and Board of Health attorneys look at what we were proposing to make sure we were doing it right."

"We are the first water-sewer district in the State of Mississippi to put in a decentralized wastewater system. As we are putting it together, we listened to what the people had to say and we made changes if their complaints were legitimate."

"This type of system is being used all over other parts of the United States. It is not something that is going to go away. There are other entities in the state who are looking at our system because they are interested in doing the same thing where they are."

"The bottom line is, do you want raw sewage running out on the ground, or do you want clean water running out on the ground."

It is doubtful anything will be done in Chancery Court before the Sept. 14 deadline. Both Rankin Chancellors John Grant and Tom Zebert recused themselves from hearing the case. The two judges

asked the state Supreme Court to appoint a special chancellor to hear the matter which usually takes weeks to do.

EXHIBIT 11

CLEARY WATER, SEWER & FIRE DISTRICT
Minutes of April 8, 1999

Members present: Chairman Kenneth D. Johnson, Vice Chairman Harold Winborne, Bob Whatley, Buddy Eady, and Bill Harvey. Also present was Manager Kenn Munn, Lawyer Jim Bobo, and Engineer, Scott Armstrong.

Chairman Kenneth Johnson established a quorum.

Buddy Eady made a motion seconded by Harold Winborne to accept the minutes as written. Motion so carried.

The Commissioners considered a proposal from Susan Girani for the purchase of 2 acres for a well site. Harold Winborne made a motion seconded by Buddy Eady to have the Lawyer, Jim Bobo to draw up a contract with the legal description for the property and the Engineer, Scott Armstrong, to survey the property and present the legal description to Mr. Bobo, and all the request by Mrs. Susan Girani as presented in the proposal to be accepted. Motion was unanimously accepted.

Buddy Eady made a motion seconded by Bill Harvey to increase Tommy Malley's salary by $1.00 per hour. Motion so carried. This action was taken after Mr. Malley being employed by the District for 6 months and having passed the Class D certification for Water Operator.

The Board request that the Manager, Kenn Munn, present at the next meeting the prices and descriptions of portable gas welders, to be used in welding sewer tanks.

Buddy Eady made a motion seconded by Bill Harvey to pay for the repairs to sewer roller #2 from the reserve account. Motion so carried.

Bill Harvey made a motion seconded by Bob Whatley to approve the March bills for payment Motion so carried.

Harold Winborne made a motion seconded by Buddy Eady to approve both the Cleary Water & Sewer District and the Cleary Fire Protection District's check register for the month of March. Motion so carried.

The Board request the Engineer Scott Armstrong and Kenn Munn look at the possibilities of having a sewer treatment plant up Cleary Road to treat sewer from customers in that area.

Buddy Eady made a motion seconded by Bill Harvey to adjourn. Motion so carried

ATTESTED

/s/ Kenneth D. Johnson
Kenneth D. Johnson, Chairman

/s/ Kenneth Munn
Kenneth Munn, Sec/Trea.

EXHIBIT 12

MISSISSIPPI PUBLIC SERVICE COMMISSION

PUBLIC UTILITIES RULES OF PRACTICE AND PROCEDURE

February 15, 1994

RULE 2

DEFINITIONS

For purposes of these rules, the following terms shall be defined as indicated:

A. The term "party" is:

(1) The filing utility;

(2) The Mississippi Public Utilities Staff in its capacity as a party;

(3) Any person allowed to become an intervenor by Commission order;

or

(4) Any person made a party by service of process upon them.

B. The term "MPUS" means the Mississippi Public Utilities Staff created pursuant to Miss. Code Ann., Section 77-2-1 et seq.

C. The term "staff attorney" means the General Counsel and other attorneys for the MPUS.

D. The term "Commission attorney" refers to the attorney(s) employed to assist and advise the Commission.

E. The term "Commission staff" refers to those individuals employed by the Commission pursuant to Miss. Code Ann., Section 77-3-8.

F. The term "utility attorneys" means the attorneys for the filing utility.

G. The term "filing utility" means the public utility making a filing with the Commission through its Executive Secretary to initiate a proceeding.

H. The term "filing" means any notice, application, formal request, formal complaint or petition filed with the Commission through its Executive Secretary.

I. The term "certificate" means a Certificate of Public Convenience and Necessity or Facilities Certificate, as the case may be, issued by the Commission.

J. The term "the Act" refers to Miss. Code Ann., Section 77-3-1 et seq. Definitions contained therein are hereby incorporated into these Rules of Practice and Procedure.

K. The term "interested persons" means any persons entitled to notice of Commission proceedings as follows:

(1) In any proceeding filed by a utility other than a telecommunications utility, any person

(a) presently holding a certificate authorizing it to provide services of the same type as that authorized, or proposed to be authorized, for the filing utility, and (b) which presently holds a certificate for a service area, any part of which lies within one mile of the area certificated, or proposed to be certificated to the filing utility.

(2) In any proceeding filed by a provider of telecommunications services, all other certified providers of telecommunications services.

(3) In proceedings filed by non-utilities or proceedings initiated by the Commission, the Commission staff, or the MPUS, any person having a substantial interest in the subject matter of the proceeding or whose rights and liabilities may be materially affected thereby.

(4) In addition to the above, in the context of any rate proceeding filed under the provisions of Rule 9A (Notice Filings), any person who was a party of record in the last proceeding in which a major change in rates was sought by the filing utility.

L. The term "service" or "served" means the date a party actually delivers a pleading to another party or its attorney or, if the pleading is mailed, the date of mailing. If a pleading is served by mail, three days shall be added to the prescribed period in which the party being served has to respond to take other action with respect to the pleading.

EXHIBIT 13

APPENDIX "A"	**CERTIFICATE PROCEEDINGS**
SCHEDULE 2	**AREA CERTIFICATE/ ALL UTILITIES**

No. Copies Required, Including Original

In addition to the original and fourteen (14) copies of the petition, the following items are required:

15 1. If the utility has made any revisions to its corporate charter or its articles of incorporation since receiving its initial authority to operate, provide a copy of said revisions. If a partnership, provide a copy of any revision to the original partnership agreement. If there have been no changes, provide the docket number of the proceeding in which the company received its initial authority to operate.

15 2. If a corporation, the names and addresses of its board of directors, officers an any person owning fifteen percent (15%) or more of its stock. If not a corporation, the names and addresses of all owners or partners.

3 3. An outline map using Mississippi Department of Transportation county maps to a scale of one-half inch to the mile showing the

existing certificated area as well as the proposed additional area.

4. A full legal description of the new area.

5. A map of sufficiently large scale to show boundaries of the proposed service area as well as relevant geographical features.

6. A general description of new facilities

7. An itemized estimate of costs to the utility of all new investment.

8. A listing of all sources of funding.

9. An estimate of the impact of the cost of facilities upon rate base and rates. This item shall not apply to public utilities excluded from rate regulation pursuant to Miss. Code Ann., Sections 77-3-1 or 77-3-5 or to public utilities heretofore or hereafter exempt by Commission order from rate base regulation or to public utilities whose rates are allowed, by Commission order, to be filed for informational purposes only.

10. The number of assured and prospective customers in (a) the new area; and (b) the existing certificated area.

11. A complete set of engineering plans and specifications.

12. A copy of any required approvals from Health or Environmental Quality authorities.

13. An exhibit listing the names and addresses of all interested persons as defined in Rule

2K of the Commission's Rules of Practice and Procedure together with a certificate that the filing utility has served a notice of the filing upon each.

14. A copy of all testimony to be relied upon at hearing.

15. A copy of the current balance sheet and income statement.

EXHIBIT 14

SANITARY SEWER USE ORDINANCE CLEARY WATER, SEWER, AND FIRE DISTRICT

Section 1. Grinder pump units shall be considered a part of the public sanitary sewer and shall be the property of the District.

Section 2. Grinder pump units shall not be installed until proper application for a permit to connect to the public sanitary sewer has been made to and approved by the board as set forth in Article V, Section 3, and until a duly negotiated easement has been executed providing the District authority to install operate, and maintain said unit on the property being served.

Section 3. Installation of grinder pump units shall be done only by the District or its duly authorized representative. Installation shall include grinder pumps, sump basin, controls, discharging piping, and all accessories necessary to properly convey the sewage to the sewage treatment plant.

Section 4. Only grinder pumps and accessories approved by the Board shall be installed.

Section 5. All costs and expense incident to the installation and connection of a grinder pump unit shall be borne by the property owner. Said cost and expense shall be due and payable to the District

within ten working (10) days after date of official notice of the amount due.

Section 6. After installation of a grinder pump unit, the property owner shall be responsible for connecting the building sewer as set forth in Article V, Sections 9 and 10.

Section 7. The property owner shall be responsible for providing electrical power to the grinder pump unit control panel. A separate 230 volt (20) amp circuit shall be provided solely for operation of the grinder pump unit. All electrical work shall comply fully with the requirements of the National Electrical Code and the District and shall be approved by the Board or its duly authorized representative prior the grinder pump being placed in operation.

Section 8. Only persons authorized by the District shall have access to the grinder pump units. No unauthorized person shall uncover, make any connections or opening into alter, or disturb any grinder pump unit.

Section 9. Property owners shall in no way alter the grinder pump installation or engage in any activity which would damage the grinder pump unit or interfere with its normal operation.

Section 10. Each grinder pump unit shall be equipped with appropriate warning light which shall be activated in the event of pump failure.

Section 11. The District shall maintain sufficient spare pumps and accessories to permit prompt response to unite where pump failure has been encountered. A duly authorized representative of the District shall respond within twenty-four (24) hours to any malfunction of a grinder pump unit duly reported to the Board.

Section 12. All excavations for grinder pump unit installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. All properties whether public or private, disturbed in the course of the work shall be restored to its original condition.

ARTICLE VII

USE OF THE PUBLIC SANITARY SEWERS

Section 1. No person shall discharge or cause to be discharged any storm water, surface water,

* * *

EXHIBIT 15

[LOGO] [LOGO]

Cleary Water, Sewer & Fire District

217 Hickory Ridge Drive • Florence, MS 39073 • 601-845-6375

September 14, 2001

TO ALL WATER USER CUSTOMERS:

On June 21, 2001, of this year the Cleary Water, Sewer & Fire District, passed and put into effect a new wastewater ordinance for those people not already on the centralized wastewater system. This new ordinance and system is call a decentralized wastewater system.

WHAT IS A DECENTRALIZED WASTEWATER SYSTEM?

Until the mid 90's there were only two types of systems recognized in the USA. One was a centralized wastewater system, such as the City of Richland, Jackson, Florence and Cleary Heights has. The other was onsite wastewater treatment, where an individual has a system for wastewater treatment installed and then the individual maintained the unit. EPA up until this time recognized and promoted centralized system and discouraged onsite, because of the fact once the system was installed it became the property owners problem and like most problems which are "out of sight out of mind" the systems are not maintained properly and fail. What the

decentralized system does is combine characteristics of both systems and makes a workable program to maintain the onsite system properly.

WHO IS EFFECTED BY THE NEW ORDINANCES?

Everybody not presently on the centralized system that have onsite wastewater systems. Those are septic tanks and aerobic treatment plants.

HOW ARE THEY EFFECTED?

Every homeowner that had a onsite wastewater treatment process on June 21, 2001, was "**grand fathered**" into the system. That is the property owner will not be required to install a new system as long as it is working properly. Each property owner will be required to have his system inspected within one year of the date of this letter with the results sent to our office. Then each year following the initial inspection the District will require the property owner to present proof that the system is working properly. *If the property owner can not present proof that their system is working properly then the owner will be required to install an approved system designated by the District and will become a sewer customer of the District. The District will accept ownership of the unit and in exchange the District will maintain the unit for the life of the unit. All cost in routine maintenance will be born by the District. The customer will pay a monthly charge to the District for the service and it will be added to the water bill.* If

a present water customer of the District would like to transfer ownership of his present system to the District and have the District maintain it for him, the unit will have to meet certain qualification. These qualifications will be determined on a case by case basis and can be resolved by calling the District Office and making inquires.

The "grandfather" allowance applies only to those customers on June 21, 2001, and does not run with any transfer of ownership. Any transfers after June 21, 2001, will result in the new customer to meet all requirements of the new ordinances.

WHAT WILL IT COST ME?

The cost of the service will be determined by the Commissioner of the District, at present the cost will be a minimum of $15.00 a month and any usage over 5,000 gallons of water will cost $1.62 per thousand gallons.

All cost in maintaining the system will be born by the District with the exception of "miss use or abuse".

A copy of our "POLICY AND PROCEDURES" is included for your information and I will gladly answer any of your questions on a "one on one" basis if needed. Our phone number is 601-845-6375.

SECTION 2. All new installations of on-site wastewater disposal systems will conform to the Decentralized Wastewater Ordinances as set forth.

ARTICLE II

STEPS OF INSTALLATION
EXISTING UNITS

SECTION 1. Any existing IOWDS that fails to comply with the Decentralized Wastewater Ordinances, must be repaired within sixty (60) days to bring the system up to standards. If the IOWDS for whatever reason cannot be brought up to standards, then the owner will install a new system meeting all requirements as prescribed by the Ordinances, or if installing a new system meeting all requirements of the Regulation is not possible, make repairs as prescribed in Section 5 of this Article. *When a new system is installed to replace a failing existing system the District will assume ownership and provide perpetual maintenance of the IOWDS, and the owner will become a customer of the Decentralized Wastewater system.*

SECTION 2. If the owner wishes to transfer ownership of any existing IOWDS that complies with the Decentralized Wastewater Ordinances to the District, the owner must present to the District

proof from an authorized manufacturers representative, or the Department of Health, that the IOWDS is up to standards in operation. Furthermore the District will pay for the inspection if the IOWDS complies and the District assumes ownership of the system. If for whatever reason the District does not assume ownership of the system, the owner will be billed for the cost of the inspection. At the time the District assumes ownership of the system then the owner becomes a customer of the Decentralized Wastewater system and the District will perpetually maintain the system. If the District assumes ownership of an IOWDS, the property owner will provide to the District the proper right-of-way and easement to provide egress and aggress to the IOWDS so as to allow the properly identified District employee to maintain the system. To allow for proper maintenance of the system, nothing shall be built over, or laid over, the IOWDS or any electrical or water conveying portion of the system. Transfer of ownership of an existing IOWDS must take place with one year of the time that the Ordinances go into effect to avoid any future cost for maintenance.

SECTION 3. All existing IOWDS that are under a maintenance agreement with the Manufacturer of the system will not

require an annual inspection/ certification as long as a copy of the current in-forced agreement is on file at the District's office. *All other systems not covered by a maintenance agreement will be required to furnished an approved inspection report Each year, or be in violation of the Ordinance.*

SECTION 4. Any existing system that will require a complete upgrade or change of the system will must meet all provisions of Article III "New Installations".

SECTION 5. Any system that can not be repaired or replaced, to fully approvable standards, shall be improved with recommendations from the Department of Health so as to treat the wastewater as best as possible, reduce the volume of treated effluent as much as possible, and maintain the treated effluent on the property of the generator to the greatest extent possible.

SECTION 6. All existing individual onsite wastewater disposal systems at the time of property transfer will be required to be certified and ownership of the system will be transferred to the District with the property owner becoming a customer of the Decentralized Wastewater System and the District will perpetually maintain the system.

ARTICLE III

NEW INSTALLATIONS

SECTION 1. *All new individual onsite installation shall conform to all requirements of the current Decentralized Wastewater Ordinances and the Regulation Governing Individual Onsite Wastewater Disposal.*

SECTION 2. *All new installations of IOWDS shall require the property owner* or his/her representative to provide the District two platted surveys of the site which will include all above and below ground buildings, electrical lines (buried), water lines, gas lines and aperture. The Platt will be certified by a engineer or land surveyor licensed to do business in Mississippi. The Platt will include dimensions of building(s) and approximate location of all below ground installations, A copy of the Platt will be attached to the District's soil analysis form that will be presented to the State Board of Health for the inspection of the site. The form will be filled out by the owner or his/her authorized representative to include all appropriate information. A copy of the Platt must be attached to the District's soil/site evaluation form. This form, along with the Platt, will be presented to the Department of Health for the inspection of the site. The Department of Health will inspect

the site and give to the owner the completed form which the owner will return to the District. *The District's engineer and/or manager will determine the appropriate IOWDS to be installed at the site. Upon Department of Health inspection and final approval of the installed system the District will assume ownership and perpetual maintenance of the system, with the owner becoming a customer of the District. The property owner will provide a right-of-way and easement to the District that will cover all egress and aggress for property identified employees to maintain the system. To allow for proper maintenance of the system, nothing shall be built over or laid over any electrical or water conveyances to the unit or the system itself so as to obstruct maintenance of the system.*

SECTION 3. Onsite systems incorporating a septic tank as part of the installation shall be equipped with risers at or near the surface at the inlet and outlet of the tank to facilitate inspection and pumping without removal of the top of the tank. In addition all septic tanks will incorporate an in-tank effluent filter. Outlet man way and riser shall be sized large enough to facilitate the removal of the filter for routine inspection and/or maintenance.

SECTION 4. All septic tanks, pump chambers, chlorine contact chambers and distribution boxes shall be constructed and properly sealed so as to prevent infiltration and exfiltration of liquid.

ARTICLE IV

COST AND FEES

SECTION 1. *All cost incurred by the District including the final inspection of the IOWDS will be borne by the owner. After final inspection and acceptance by the District, the District will assume all cost of maintenance of the IOWDS. Final payment for the system purchased by the District will be due and payable upon final inspection by the Department of Health.*

SECTION 2. If the District assumes ownership of a previously installed IOWDS, all cost incurred for its inspection, will be borne by the District. If the District does not assume ownership of the IOWDS then the owner will bear the cost of the inspection. The owner will bear/pay all cost incurred to bring a previously installed IOWDS up to the applicable standard necessary for the District to assume ownership.

SECTION 3. *All monthly fees and charges will be set by the District's Board of Commissioners and will be reviewed annually*

at the November public meeting. Monthly fees will based upon water consumption through the household's potable water meter.

EXHIBIT 16

INDEPENDENT AUDITOR'S REPORT ON THE FINANCIAL STATEMENTS CLEARY WATER, SEWER AND FIRE DISTRICT A COMPONENT UNIT OF THE RANKIN COUNTY BOARD OF SUPERVISORS BRANDON, MISSISSIPPI

Commissioners
Cleary Water, Sewer and Fire District
Florence, Mississippi

We have audited the accompanying statement of financial position of Cleary Water, Sewer and Fire District, a component unit of the Board of Supervisors, Rankin County, Brandon, Mississippi, as of the year ended September 30, 2000, and the related statements of activities and cash flows for the year then ended. These financial statements are the responsibility of the Cleary Water, Sewer and Fire Districts' management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards and Governmental Auditing Standards, issued by the Comptroller General of the United States. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial position presentations. We believe that our audit and reports provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above, present fairly, in all material respects, the financial position of Cleary Water, Sewer and Fire District as of September 30, 2000, and the changes in its net assets and cash flows for the [illegible] in conformity with generally excepted accounting principles.

Paul Ed Huhn
PAUL ED HUHN
Certified Public Accountant
January 2, 2001

Cleary Water, Sewer and Fire District
Statement of Activities
For the Year Ended September 30, 2000

Revenues		
Water Sales		193,484.
Sewer Revenue		115,915.
Assessment Income		8,262.
County taxes collected		25,929.
Connections and other income		34,295.
Total Revenue		377,885.
Operating Expenditures		
Salaries	122,374.	
Repair and maintenance	107,	

Depreciation	81,739.	
Contractual services	23,600.	
State retirement	11,826.	
Insurance	8,876.	
Utilities	30,426.	
Vehicle Costs	6,009.	
Professional services	24,616.	
Employee benefits	5,697.	
Educational costs	1,480.	
Office supplies and postage	5,601.	
Payroll taxes	877.	
Other	2,029.	
Total Expenditures		433,052.
Operating Revenue over (under) Expenditures		(55,167.)
Nonoperating Revenue (Expenditures) and Debts recovered	232.	
Interest earnings	645.	
Interest expenditures	(23,217.)	
Total Net Nonoperating Expenditures		(22,340.)
Excess of Revenues under Expenditures and Balance		(77,507.)
beginning of year [illegible]		(667,622.)
1 of year		(745,129.)
Auditor's report and notes to financial statements		

Cleary Water, Sewer and Fire District
Statement of Financial Position
September 30, 2000

ASSETS

Current Assets		
Cash on hand and in banks, unrestricted		34,694.
Accounts receivable		30,962.
payments		3,064.
Total current Asset		68,720.
[Illegible] Assets		
and	36,800.	
Buildings, plant and equipment	2,894,971.	
	2,931,771.	
Accumulated deposits	1,515,053.	
Total Fixed Assets		1,416,718.
[Illegible] Assets		
Cash in banks, restricted funds	133,431.	
Utility deposits	2,101.	
Total other assets		135,532.
Total Assets		1,620,990.

LIABILITIES AND FUND EQUITY

Current Liabilities		
Accounts payable	12,174.	
Payroll taxes withheld and accrued	861.	
[Illegible] accruals	7,913.	
[Illegible] Payable due within one year	20,895.	36,843.
Term Debt		
Customers' deposits	40,745.	
[Illegible] payable	459.727.	

Total Long Term Debt		500,472.
Equity		
Distributed capital	1,828,804.	
balance (deficit)	(745,129.)	
Total Fund Equity		1,083,675.
Auditor's report and notes to financial statements		1,620,990.

STATE OF MISSISSIPPI
COUNTY OF RANKIN

THIS 18th DAY OF JANUARY, 2001, personally came Marcus Bowers, publisher of the Rankin County News a weekly newspaper printed and published in the City of Brandon [illegible] County of Rankin and State aforesaid, before me the undersigned of [illegible] and for said County and State, who being duly sworn, deposes of that said newspaper has been published for more than 12 months is the first publication of the attached notice and is qualified under [illegible] 13-3-31, Laws of Mississippi, 1936, and laws supplementary and [illegible]-tory thereto, and that a certain

INDEPENDENT AUDITOR'S REPORT

FINANCIAL STATEMENTS

a copy of which is hereto attached, was published in said newspaper (1) week, as follows, to-wit:

Vol 153 No. 24 on the 17th day of January, 2001

/s/ Marcus Bowers
MARCUS BOWERS,
Publisher

Sworn to and subscribed before me by the aforementioned Marcus Bowers this 18th day of January, 2001

/s/ Frances Conger, Notary
FRANCES CONGER
My Commission Expires:
January 25, 2002

PRINTER'S FEE: (12 cents per word for first insertion and 10 cents per word for each subsequent insertion) 258 words at .12 each	$[Illegible]
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Proof of Publication (2)	
TOTAL	$[Illegible]

2007-2008 BUDGET WORKSHEET

		PROJECTED	ADJUSTMENTS	2005-2006	2004-2005	2003-2004	2002-2003
ORDINARY	INCOME/ EXPENSE	2007-2008	ASSESSMENTS	AUDIT	AUDIT	AUDIT	AUDIT
	WATER SALES	$241,418.22	$241,418.22	$230,492.81	$217,330.00	$206,473.00	$191,798.00
	SEWER SALES	$163,965.25	$163,965.25	$150,816.22	$14,315.00	$133,186.00	$121,820.00
	OTHER SALES WATER	$7,436.23	$7,436.23	$22,707.93	$37,903.00	$37,903.00	$14,151.00
	OTHER SALES SEWER	$21,063.40	$21,063.40	$39,377.16	$37,903.00	$37,903.00	$23,239.00
	LATE CHARGES WATER	$9,246.74	$9,246.74	$9,485.55	$10,650.00	$8,955.00	$6,045.00
	LATE CHARGES SEWER	$10,161.76	$10,161.76	$10,285.55	$10,650.00	$8,955.00	$6,045.00
	ASSESSMENT INCOME WATER	$44,423.21	$80,471.00	$44,974.00	$44,540.00	$43,520.00	$22,828.00
	ASSESSMENT INCOME SEWER		$65,800.00				
	TOTAL INCOME	$497,714.81	$599,562.60				
EXPENSES							
	PAYROLL EXPENSES	$194,184.86	$194,184.86	$151,254.37	$144,003.00	$148,178.00	$143,862.00
	BANK CHARGES WATER	$92.25	$92.25	$0.87			
	BANK CHARGES SEWER	$27.50	$27.50	$14.37			
	EDUCATION EX WATER	$380.88	$380.88	$482.50	$126.00	$1,057.00	$1,018.00
	EDUCATION EX SEWER	$640.75	$640.75	$539.50	$127.00	$1,056.00	$1,017.00
	GAS & OIL WATER	$6,400.00	$6,400.00	$5,904.22	$8,426.00	$3,251.00	$5,641.00
	GAS & OIL SEWER	$7,400.00	$7,400.00	$6,682.09	$8,426.00	$3,252.00	$5,641.00
	STATE RETIR EX WATER	$21,748.08	$21,748.08	$16,123.25	$13,891.00	$14,877.00	$14,661.00
	EMPLOYEE INS EX WATER	$25,800.00	$25,800.00	$10,255.61	$11,622.00	$9,269.00	$7,571.00
	EMPLOYEE INS EX SEWER	$25,800.00	$25,800.00	$10,255.12	$11,622.00	$9,268.00	$7,572.00
	INSURANCE WATER	$11,767.68	$11,767.68	$9,371.24	$9,077.00	$9,216.00	$3,501.00
	INSURANCE SEWER	$11,767.66	$11,767.67	$9,371.23	$9,077.00	$9,217.00	$3,501.00
	OFFICE EX WATER	$6,230.82	$6,230.82	$1,137.18	$2,876.00	$2,663.00	$2,662.00
	OFFICE EX SEWER	$7,433.75	$6,433.75	$1,361.28	$2,875.00	$2,664.00	$2,662.00
	PROF. EX WATER	$5,091.00	$5,091.00	$3,350.00	$11,461.00	$2,503.00	$5,817.00
	PROF. EX SEWER	$5,091.00	$5,091.00	$3,430.00	$11,462.00	$2,502.00	$5,817.00

PUB EX WATER	$443.12	$443.12	$130.99			
PUB EX SEWER	$443.13	$443.13	$130.89			
R & M WATER	$48,400.00	$34,405.00	$40,523.81	$39,418.00	$37,486.00	$34,905.00
R & M SEWER	$49,900.00	$63,895.00	$50,821.62	$73,206.00	$69,618.00	$64,825.00
DUES & FEES WATER	$274.50	$274.50	$559.00	$442.00	$432.00	$138.00
DUES AND FEES SEWER	$174.50	$174.50	$324.00	$442.00	$432.00	$137.00
TELEPHONE EX WATER	$2,036.62	$2,036.62	$1,962.82			
TELEPHONE EX SEWER	$2,036.64	$2,036.64	$1,881.59			
UTILITIES EX WATER	$33,150.00	$33,150.00	$30,398.45	$19,602.00	$24,222.00	$22,455.00
UTILITIES EX SEWER	$21,175.00	$21,175.00	$18,597.45	$12,014.00	$14,845.00	$13,762.00
ACTUAL PROFIT (LOSS) PER AUDIT			($26,870.00)	($70,098.00)	($32,296.00)	($35,691.00)
TOTAL EXPENSE	$486,889.75	$486,889.75				
NOTE PAYMENTS	$110,200.00	$110,200.00				
PROFIT (LOSS)	($99,374.94)	$2,472.85				